IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION No: 23340 of 2004

Between:

Syed Ali Hasmi, S/o. Syed Hussain Hasmi
R/o Hyderabad

.... PETITIONER

AND

1 The Government of Andhra Pradesh rep by Secretary, Education (A&G) Department A.P. Secretariat Building, Hyderabad.
2 The Director of Public Library, A.P., Hyderabad

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to quash the order dt 1-4-2003 passed in M.A. 1937 of 2002 in M.A. SR 13181 and 13182 of 1999 in O.A. No. 422 of 1994 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad as illegal and unjust by issuing appropriate Writ, order or direction one in the nature of Writ of Certiorari and pass such other order or orders.

Counsel for the Petitioner: MR.M.V.S.SURESH KUMAR

Counsel for the Respondents: GP FOR SERVICES-1

The Court made the following:

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed challenging the order, dated 1.04.2003 passed by the A.P. Administrative Tribunal in M.A.No.1937 of 2003 in M.A.SR.Nos.13181 and 13182 of 1999 in O.A.No.422 of 1994.

2. There was delay of one year three months and one day in filing application to condone the delay in representing the MA.SR.Nos.13181 and 13182 of 199 in O.A.No.422 of 1994. The Tribunal dismissed the same on the ground that no proper and convincing explanation was forthcoming, against which the present Writ Petition has been filed.

3. Learned counsel for the petitioner tries to convince this Court that the delay is on account of *bona fide* reason and that the petitioner was really ill and therefore, the Tribunal ought to have considered this aspect.

4. We are afraid we cannot accept the contention raised by the learned counsel.

5. The Tribunal recorded a finding in its order, which is as follows:

> "It is represented by the learned counsel for the applicant that on account of illness, the applicant could not file the petitions in time. But, no material is placed before the Court in proof of illness of the applicant.
>
> As there is no proper material to show that the applicant is ill, the delay cannot be condoned. Accordingly, the MA is dismissed and MA.SRs are rejected."

6. The Tribunal has given cogent and convincing reasons for dismissing the application filed by the petitioner and therefore, we do not find any ground to interfere with the said order.

7. Accordingly, the Writ Petition is dismissed. No costs.

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G.BIKSHAPATHAY, J

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B.SESHASAYANA REDDY, J

Date: 24.01.2005

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To

1 The Secretary, Government of Andhra Pradesh, Education

(A&G) Department A.P. Secretariat Building, Hyderabad
2 The Director of Public Library, A.P., Hyderabad

3 2 CCs to G.P for Services-1, High Court Bldgs,Hyd.(OUT)

4 The Registrar, A.P. Administrative Tribunal, Hyderabad.

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